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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 STEVEN L. SCOTT,

10 Petitioner,

11 vs.

12 DWIGHT NEVEN, *et al.*,

13 Respondents.
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) 2:06-cv-1514-JCM-LRL
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ORDER

15 This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254, by
16 Steven Scott, a Nevada prisoner. The action comes before the court on petitioner's motion for relief
17 from judgment pursuant to Federal Rules of Civil Procedure 60(b) (docket #45).
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19 Under Federal Rules of Civil Procedure 60(b) the court may relieve a party from a
20 final judgment or order for the following reasons:

21 (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly
22 discovered evidence which by due diligence could not have been
23 discovered in time to move for a new trial under Rule 59(b); (3) fraud
24 (whether heretofore denominated intrinsic or extrinsic),
25 misrepresentation, or other misconduct of an adverse party; (4) the
26 judgment is void; (5) the judgment has been satisfied, released, or
discharged, or a prior judgment upon which it is based has been
reversed or otherwise vacated, or it is no longer equitable that the
judgment should have prospective application; or (6) any other reason
justifying relief from the operation of the judgment.

Such motions are generally left to the discretion of the trial court. *See Combs v. Nick Garin*

1 *Trucking*, 825 F.2d 437, 441 (D.C. Cir. 1987). In order to succeed on a motion to reconsider, a party
2 must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior
3 decision. *See Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F. Supp. 656, 665 (E.D. Cal.
4 1986), *aff'd in part and rev'd in part on other grounds* 828 F.2d 514 (9th Cir. 1987).

5 In the instant motion, petitioner argues that the court failed to rule on certain grounds
6 raised in his federal habeas petition and failed to consider certain facts or arguments presented by
7 petitioner in denying relief. Respondents oppose the motion pointing to the sections of the court's
8 order addressing the various claim identified by petitioner. In his reply, petitioner contends that the
9 respondents opposition contains lies and if believed, the court must be incompetent or compromised.
10 Petitioner's arguments for reversal of this court's previous decision are not persuasive. The motion
11 for relief from the judgment shall be denied.

12 In its forty-two page Order of September 23, 2009, the court went to significant
13 lengths to consider and address each claim raised in the petition. Petitioner's arguments contained in
14 the instant motion attempts to re-litigate the petition, particularly the claims raised in grounds 1(5),
15 grounds 2(D)(1), 2(D)(3) and 2(C)(1). However, petitioner has failed to demonstrate that he is
16 entitled to the relief requested, and he presents no new evidence to warrant overturning the judgment
17 as entered.

18 **IT IS THEREFORE ORDERED** that petitioner's motion for relief from judgment
19 (docket #45) is **DENIED**.

20 **IT IS FURTHER ORDERED** that the motion for time (docket #47) is denied as
21 moot.

22 Dated this 21st day of December, 2010.

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25 UNITED STATES DISTRICT JUDGE
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